IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1702 OF 2005

Vishnu Lakhu Suryawanshi ..Petitioner.

Vs.

Krishna Ganpati Gharge & anr. ..Respondents.

....

Mr.Dilip Bodake for the Petitioner.

CORAM : DR.D.Y.CHANDRACHUD, J.

29th August, 2005.

P.C. :

The prima facie observations contained in paragraphs 9 and 10 of the impugned order of the Additional District Judge show that the Plaintiff is in possession in pursuance of the sale deed executed on 11th April, 1983 by the First Respondent of his undivided half share. These are prima facie findings confined to the disposal of the application for interim relief. The interference of this Court under Article 227 is, in

the circumstances, not warranted. The Petition is dismissed. However, while dismissing the Petition there shall be a direction to the effect that it would be open to the Petitioner to apply before the Trial Court for expediting the disposal of the suit.

None of the observations contained in the impugned order of the Appellate Court shall come in the way of the disposal of the suit on merits.